

Dredge Management Task Force Meeting Minutes - August 16, 2006 DES Pease Office

The meeting was held on Wednesday August 16, 2006 from 1:30 PM to 2:40 PM at DES Office, 50 International Drive, Pease Tradeport.

Announcements/Introductions – Chairman Chris Williams asked members to introduce themselves.

Attending members:

Collis Adams, NH Wetlands Bureau
Liz Chamberlain, Sen. Sununu
Olga Guza, EPA
Mark Habel, ACOE
Tim Lyons, Sen. Gregg
Clare McBane, NH Fish and Game
Ed O'Donnell, ACOE
Dean Peschel, City of Dover
Frank Richardson, NH Wetlands Bureau
Marcy Scott, NOAA (for Mike Johnson)
Tracy Shattuck, NH PDA-DPH
Fred Short, UNH
Michael Walsh, ACOE
Ryan McCarthy, ENSR

Guests:

Cheri Patterson, NH Fish and Game

Staff:

Ted Diers, Manager, NH Coastal Program/DES
Mary Power, NH Coastal Program/DES
Chris Williams, Chairman, NH Coastal Program/DES

- **Legislative Update** - Sen. Gregg (Tim Lyons) said the Cocheco River Dredging project received \$2 million in the Energy and Water Appropriations Bill, while the Piscataqua River Turning Basin project received \$200,000. Sen. Sununu (Liz Chamberlain) said the Senate has put language in the Energy and Water Appropriations Bill regarding the ACOE's practice of reprogramming funds. The language will allow the ACOE to reprogram money without prior Congressional notification in the event of an emergency, and allow for smaller projects to be reprogrammed without any Congressional notification. The full Senate still must vote on it. ACOE (Mike Walsh) asked if the Senate defined "smaller projects." Sen. Sununu (Chamberlain) said that funds for a project can only be reprogrammed if the cumulative total amount to be reprogrammed is 50% of the project cost or \$5 million, whichever is less. Furthermore, if the amount to be reprogrammed is \$75,000 or less, no notification to Congress will be necessary. Chair asked if there is a timeframe for the Senate vote on the Energy and Water Appropriations Bill. Sen. Gregg, (Lyons) said there is no clear timeframe.

ACOE (Walsh) said, contractually, he needs to know whether the \$2 million is available by January 15, 2007 but, realistically, it would be better if he knew by December 15, 2006. Congressional staff members agreed that a decision as to whether the money is available would likely come sooner than January 15, 2007.

ACOE (Habel) distributed a list of New England projects named in the House and Senate Fiscal Year 2007 Appropriations Bill. He stated that the Ocean Disposal Site Study, which is included under Section 22 (Planning Assistance to States), will require a 50% cost share. Chair asked why the Section 107 Hampton Harbor project doesn't have an appropriation identified. ACOE (Habel) said that while both the House and Senate have appropriated \$8 million for the Section 107 program, the total dollar amount of all the projects named under the program is approximately \$2.75 million. The remaining ±\$5.25 million in the program will be spent on projects, as prioritized by the ACOE. Therefore, depending on ACOE priorities, development of plans and specifications for the Hampton Harbor project may or may not receive funding. He expects there will be a lot of competition for the Section 107 funds. Discussion followed. ACOE (Habel) then stated that there is \$200,000 thousand in the House bill for the Portsmouth Turning Basin Feasibility Study, however, the ACOE is awaiting \$25,000 thousand from Pease Development Authority – Division of Ports and Harbors (PDA-DPH) to begin the Feasibility Study.

- **Cocheco River Dredge Update** – ACOE (Walsh) said he hopes the contract for the base work, which includes blasting in the lower narrows, will be awarded by the beginning of September 2006. He also reiterated that he needs assurances about the availability of funding by January 15, 2007. He continued by saying that during the negotiations with the contractor, the issues of the start date and blasting window were raised. He stated that he needs to know where these issues stand with NH Fish and Game. NH Fish and Game (Cheri Patterson) said that the drawdown of the impoundment behind the Cocheco Falls dam is currently on schedule to begin on November 1, 2006. ACOE (Walsh) said he would inform the contractor that the equipment can be mobilized by that date and set into place for the blasting that will begin on November 15th. ACOE (Walsh) then asked if the blasting window could be extended by two weeks beyond the December 15th deadline. NH F&G (Patterson) said that American Eels are migrating out of the river in fall and early winter. The December 15th deadline is in regards to the Rainbow Smelt which come into the river at that time for feeding and spawning preparation. ACOE (Walsh) asked how long the smelt are in the river. NH F&G (Patterson) said they enter the river in early-to-mid December and remain until they spawn during the middle-to-end of March and into April. ACOE (Ed O'Donnell) asked why the drilling and blasting window isn't the same as the dredging window. NH F&G (Patterson) said studies have found that there is more impact with blasting because of the concussive effects. ACOE (O'Donnell) asked if he could review the studies to which she was referring. NH F&G (Patterson) said she would provide him with this information. Discussion followed. NH F&G (Patterson) said she would also speak with John Nelson, Chief of the Marine Fisheries Division at NH F&G, to see if the blasting window could be extended an additional two weeks, giving the ACOE a six week window for blasting. Chairman asked for a clarification on the timing of the drawdown of the Cocheco Falls dam impoundment and subsequent commencement of the dredging project. NH F&G (Patterson) stated that the type and number of fish in the river after drawdown will determine when the project can begin. She said she will have a better idea by the end of September. EPA (Guza) asked how much advance notice the contractor needs. ACOE (Walsh) said the contractor is going to press for as much time as he can get so he can plan out his work.

If a decision is made by the end of September the contractor should have plenty of time, but if the decision is made at the end of October, it will be too late mobilize to take advantage of an early start date. ACOE (Walsh) then asked when NH F&G would know whether or not they would grant a two week extension of the blasting window. NH F&G (Patterson) said she will have a decision by the end of next week (August 25, 2006). Chair clarified that the NH F&G will provide the ACOE with the previously discussed blasting information and the ACOE will respond accordingly. Both agreed. Chair then asked the City of Dover and the DES Wetlands Bureau if they require any additional information or if there are any outstanding issues that need to be addressed. NH Wetlands Bureau (Frank Richardson) stated that he owes the City of Dover a letter but it is routine and the issue has already been discussed and there is nothing new to add.

- **Sagamore Creek** - ACOE (Walsh) said he and Rich Roach recently met with the ACOE Deputy Commander, Lt. Col. Nelson to discuss the project. Lt. Col. Nelson requested that Mr. Roach check with the ACOE's survey group to ensure that they can identify when Witch Cove Marina (formerly Mike's Marina) was constructed vs. when the channel was originally dredged. According to ACOE (Walsh), the ACOE could request that the owner of Witch Cove Marina remove those structures that currently encroach into the federal channel. This would be unlikely, however, if the ACOE determines that the structures were in place prior to dredging the channel. ACOE (Walsh) estimated that it would cost an additional \$75,000 to realign the channel to avoid the encroachments. This estimate includes not only the added cost for dredging but the anticipated cost of mitigating for proposed eel grass impacts. NH F&G (Clare McBane) asked if any of the moorings in the channel are grandfathered. ACOE (Walsh) stated that any moorings in the federal channel would need to be removed, otherwise the ACOE would not dredge the channel. The moorings could be reauthorized as an anchorage. ACOE (O'Donnell) said that the PDA-DPH should create a plan for how the moorings are designated. Moorings should be available to any member of the general public and mooring owners should not be able to sell their moorings nor hand them down to family members. PDA-DPH (Tracy Shattuck) said that these policies regarding moorings are currently in place in NH. He continued by saying that the PDA-DPH is interested in the final alignment of the channel because creation of a turning basin and new anchorage may be warranted. The location of the channel will determine what PDA-DPH will do with the existing moorings. ACOE (Walsh) said that if the PDA-DPH elects to pursue dredging of a new anchorage, it could save mobilization costs by utilizing the same contractor who will perform the channel dredging. ACOE (O'Donnell) said PDA-DPH would need a legislative vehicle to re-designate the upper end of the federal channel as an anchorage. He stated that this has been done recently in other areas, but he warned that it could take up to six years. Discussion followed.

- **Portsmouth Water Main Replacement** - Chairman said ACOE (Roach), who was not in attendance, sent a letter to the City of Portsmouth in June regarding the status of installation of the six eelgrass-friendly moorings. The City responded saying they are working on the issue with PDA-DPH. Chair asked PDA-DPH (Tracy Shattuck) to elaborate. PDA-DPH (Shattuck) said the bid process to identify the supplier of the eelgrass friendly moorings was lengthier than anticipated. Dave Allan of the City of Portsmouth DPW has the names of the people who will be impacted by the project. Mr. Allan will have Don Stevens of Rye perform installation of the moorings, which he believes will be complete by the end of this month. PDA-DPH (Shattuck) went on to describe the design of the moorings.

- **Other Business**

- *Piscataqua River Turning Basin Feasibility Study* ACOE (Habel) said they are waiting for the state funding from PDA (\$25,000) and when it is received they will initiate the project. The first thing they will do is set up a federal-state interagency coordination meeting to discuss the plan and to get feedback from the interested parties on what should be included in the feasibility study.

- *Hampton Section 107 Feasibility Study* ACOE (Habel) said that the ACOE met last week with the PDA-DPH and the towns of Hampton and Seabrook got data and information from them on the fleet so that they may begin to assess the economics and the layout of the anchorage.

- *Section 227 Monitoring* ACOE (Habel) said that while the latest appropriation bill gave the ACOE the authority to put money toward monitoring, all of the money in the Section 227 Program is going toward two earmarked projects, one in Hawaii and one in Florida. Therefore, a funding source for monitoring of the 227 project is still uncertain.

- *Sudbury Group Meeting* Chairman said the next Sudbury Group meeting is October 5, 2006 at Kittery Town Hall, 10:00 AM to 3:00 PM.

- *Schedule next DMTF Meeting* Chairman set the next DMTF meeting for October 11, 2006, 1:30 at the DES Pease office, 50 International Drive, Portsmouth, NH.

Adjourned 2:45 PM